

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Thomas Raymond Firriolo,	)	Case No. 6:18-cv-01034-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Larry J. Merio, Corrine Beckwith, John	)	
or Jane Doe,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on Plaintiff's Complaint. ECF Nos. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On May 5, 2018, the Magistrate Judge issued a Report recommending that Complaint be dismissed without prejudice and without issuance of service of process. ECF No. 11. Plaintiff filed objections to the Report. ECF No. 16.

**LEGAL STANDARD**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or

modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

### **ANALYSIS**

The Report recommends that the Complaint be dismissed because Plaintiff fails to plausibly allege a federal cause of action. Moreover, the Court should decline to exercise supplemental jurisdiction over any of Plaintiff’s potential state law claims. Plaintiff’s objections consist of allegations that he has been profiled by a member of this Court’s Clerk’s Office and a Deputy United States Marshal. Plaintiff also filed a letter stating that there has been no movement in this case and reiterating his claims regarding profiling, which the Court has reviewed in an effort to afford a pro se Plaintiff with every opportunity to survive summary dismissal. Plaintiff has not addressed the findings of the Magistrate Judge; however, because he filed objections, the Court has conducted a de novo review of the Complaint. After such review, the Court agrees with the Magistrate Judge that Plaintiff has failed to allege facts that would plausibly state a federal cause of action.

### **CONCLUSION**

Accordingly, the Court adopts the Report and Recommendation of the Magistrate Judge and overrules Plaintiff's objections. Plaintiff's Complaint is **DISMISSED** without prejudice and without issuance of service of process.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.  
United States District Judge

October 15, 2018  
Spartanburg, South Carolina

### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.